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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,506	08/06/2001	Victor S. Moore	BOC9-2001-0006(241)	1774
<div>7590 04/10/2009 Gregory A. Nelson 222 Lakeview Avenue., Fourth Floor P.O. Box 3188 West Palm Beach, FL 33401</div>			<div>EXAMINER ELAHEE, MD S</div>	
			<div>ART UNIT 2614</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/923,506	Applicant(s) MOORE ET AL.	
	Examiner MD S. ELAHEE	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 12/29/2008. Claims 1-20 are pending.

Response to Argument

2. The applicant argues filed on 12/29/2008 Remarks have been fully considered but they are not persuasive because of the following:

Regarding claims 1, 5, 9 and 13, the Applicant argues on pages 16-17, Steward '176 and Steward '221, do not disclose that a method and system using an Application Service Provider (ASP) service delivery system for delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency communications link as recited in independent Claims 1, 5, 9, and 13. Examiner respectfully disagrees with the argument. In col.2, lines 20-27, Steward'176 discloses that when a portable computing device (PCD) comes close to an access point, the PCD wirelessly access the network system. Since the PCD is in the network system which is local area network (LAN) [i.e., PAN] (see col.5, lines 25-35), the PCD is in the claimed PAN. In col.5, lines 63-65, Steward'176 discloses that a portable computing device (PCD) makes a request to the access points 120 to gain access to network services. In response the access points provides access services to the PCD (see col.5, lines 36-50). Similarly, Steward'221 teaches the claimed limitation (see abstract; fig.1; col.5, line 29-col.6, line 16). Thus the rejection

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of the claims in view of Steward'176, Goldberg and Yoza as well as in view of Steward'221, Goldberg and Yoza remain.

The Applicant further argues on page 17, Steward '176 and Steward '221, do not concern PAN in the sense that access point do not support IEEE 802.11a, IEEE 802.11b or BLUETOOTH standards. Further the wireless LAN in the teaching references is not same as PAN. It is because, both LAN and PAN use completely different standards. These arguments are not relevant. It is because, the applicant did not claim that PAN is using BLUETOOTH standards to communicate with ASP delivery system.

Regarding claims 1, 5, 9 and 13, the Applicant further argues on page 18, neither Goldber nor Yoza discloses delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency communications link. This argument is not relevant since the examiner did not rely upon Goldber nor Yoza for the teaching of the limitation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart** et al. (U.S. 6,732,176) in view of **Goldberg** (U.S. 2003/0096633) further in view of **Yoza** et al. (U.S. 2002/0133616).

Regarding claims 1, 5 and 9, with respect to Figures 1, 4-6, **Stewart** teaches a method for delivering a network provider [i.e., Application Service Provider (ASP)] service to a wireless device in a Local area network [i.e., personal area network (PAN)], the method comprising:

providing an access point [i.e., ASP delivery system] connected to a computer communications network over a physical communications link and connected to the PAN via a short-range radio frequency communications link, the ASP delivery system being configured to deliver components of network provider [i.e., ASP] services over short-range radio communications link to the portable computing device, PCD [i.e., wireless device] in a Local area network [i.e., PAN], said ASP delivery system also being configured to store some components of ASP services locally (col.7, lines 42-45) and to retrieve at least a portion of said component of provider services from providers in the computer communications network over the physical communications link medium when necessary (abstract; fig.1, 6; col.5, lines 2-14, 25-35, 55-61, col.6, lines 15-28);

Stewart further teaches the components of the ASP services comprising a plurality of different software programs (col.8, lines 36-38, col.10, lines 38-52, col.13, lines 34-39). However, **Stewart** does not specifically teach ‘a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link’. **Goldberg** teaches a plurality of services [i.e., different software programs] from among which a user of a wireless device selects and interacts with via a short-range radio communications link (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio

communications link in order to provide user with an option to interact with a particular service via a short range.

Stewart further teaches detecting a presence of the wireless device in the PAN by the ASP delivery system (col.2, lines 20-27, col.5, lines 25-35);

Stewart further teaches establishing a short-range radio communications link with a PCD in the Local area network and verifying subscription of or offering subscription to the PCD (fig.6; col.5, lines 2-14, col.10, lines 38-52, col.11, line 17-col.12, line 10);

Stewart further teaches transmitting to the PCD over the established short-range radio communications link a list of the ASP services available in the ASP delivery system or retrievable from ASPs in the computer communications network (col.6, lines 15-28, col.7, lines 12-14, col.8, lines 4-9);

Stewart further teaches receiving from the PCD requests for network provider services (col.5, lines 63-67, col.6, lines 1-4, 15-28). However, **Stewart** does not specifically teach ‘at least one of said ASP services selected from said list of ASP services’. However, **Stewart** does not specifically teach ‘at least one of said ASP services selected from said list of ASP services’. **Goldberg** teaches at least one of the ASP services selected from the list of ASP services (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate the feature of selecting at least one of the ASP services from the list of ASP services in order to provide user with an option to make a proper selection of a particular service.

Stewart further teaches for each component of said selected ASP services, determining if the wireless access point can immediately deliver said component without requiring retrieval of

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said component from said ASPs and immediately delivering said component to said wireless device if retrieval of said component is not required (col.5, lines 63-67, 55-62, col.6, lines 1-4, 15-28, 62-67, col.7, lines 1-3);

Stewart further teaches if the wireless access point [i.e., ASP delivery system] cannot deliver said component without requiring retrieval of said component from said ASPs, route the request for component for said at least one ASP service from one of said providers to another ASP over the physical communications link (col.7, lines 4-23).

However, **Stewart** in view of **Goldberg** further does not specifically teach 'retrieving said component for said at least one ASP service from one of said ASPs'. **Yoza** teaches retrieving said component for said at least one ASP service from one of said ASPs (abstract; page 1, paragraphs 0006, 0012, page 2, paragraphs 0015, 0020, 0021, page 3, paragraph 0030, page 4, paragraph 0031, 0032). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** in view of **Goldberg** to incorporate feature of retrieving said component for said at least one ASP service from one of said ASPs in **Stewart's** invention in view of **Goldberg's** invention in order to a particular service available in a remote server such that the user can get benefit from the use of the service.

Regarding claims 2, 6 and 10, **Stewart** teaches establishing an IEEE 802.11-based communications link with the portable device (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

However, **Stewart** does not specifically teach BLUETOOTH-based communications link. **Goldberg** teaches BLUETOOTH-based communications link (fig.4; page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify **Stewart** to incorporate BLUETOOTH-based communications link as taught by **Goldberg**. The motivation for the modification is to do so in order to provide user with a specific standard for a communication range.

Regarding claims 3, 4, 11 and 12, **Stewart** teaches establishing an 802.11 standard [i.e., IEEE 802.11b and IEEE 802.11a] based communications link with said portable device (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

Regarding claims 7 and 8, **Stewart** teaches a short-range radio communications system configured in accordance with 802.11 standard [i.e., IEEE 802.11a and IEEE 802.11b] (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

Claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Stewart** teaches transmitting a list of said available ASP services from access point [i.e., host computing device] to the PCD over one of the short-range radio communications links (col.6, lines 15-28, col.8, lines 4-9).

Regarding claim 14, **Stewart** teaches the list of ASP services is transmitted to the PCD in response to a request [i.e., query] transmitted by the PCD (col.5, lines 63-67, col.6, lines 1-4, 15-28, col.7, lines 12-14, col.8, lines 4-9).

Regarding claim 15, **Stewart** teaches the list of ASP services is transmitted to the PCD automatically from the ASPs in response to detecting a presence of the PCD within the LAN (col.5, lines 55-67, col.6, lines 1-4, 15-28, col.8, lines 4-9).

Regarding claim 16, **Stewart** teaches the list of ASP services is transmitted to the PCD automatically from the ASPs in response to detecting a presence of the PCD within the LAN (fig.4; col.11, line 54-col.12, line 10).

Regarding claim 17, **Stewart** teaches prompting the PCD to register with the ASPs if the PCD is not a valid subscriber (fig.4; col.11, line 54-col.12, line 10).

Regarding claim 18, **Stewart** teaches that the list of available services is determined based upon at least one of prioritization, transaction statistics, resources of the PCD, and resources of the communications system (fig.4; col.7, lines 30-45, col.11, line 17-col.12, line 10).

Claims 19 and 20 are rejected for the same reasons as discussed above with respect to claim 5.

7. Claims 1, 5, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart** et al. (U.S. 6,571,221) in view of **Goldberg** (U.S. 2003/0096633) further in view of **Yoza** et al. (U.S. 2002/0133616).

Regarding claims 1, 5 and 9, with respect to Figures 1, 4, 5, **Stewart** teaches a method for delivering a network provider [i.e., Application Service Provider (ASP)] service to a wireless device in a Local area network [i.e., personal area network (PAN)], the method comprising:

providing an access point [i.e., ASP delivery system] connected to a computer communications network over a physical communications link and connected to the PAN via a short-range radio frequency communications link, the ASP delivery system being configured to deliver components of network provider [i.e., ASP] services over short-range radio communications link to the portable computing device, PCD [i.e., wireless device] in a Local area network [i.e., PAN], said ASP delivery system also being configured to store some components of ASP services locally (col.7, lines 63-67) and to retrieve at least a portion of said component of provider services from providers in the computer communications network over the physical communications link medium when necessary (abstract; fig.1; col.5, line 29-col.6, line 16);

Stewart further teaches the components of the ASP services comprising a plurality of different software programs (col.12, lines 43-47, col.15, lines 47-53, col.17, lines 50-55, 64-67, col.18, lines 1-3). However, **Stewart** does not specifically teach ‘a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link’. **Goldberg** teaches a plurality of services [i.e., different software programs] from among which a user of a wireless device selects and interacts with via a short-range radio communications link (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate a plurality of different

software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link in order to provide user with an option to interact with a particular service via a short range.

Stewart further teaches detecting a presence of the wireless device in the PAN by the ASP delivery system (col.2, lines 52-56, col.6, lines 1-16);

Stewart further teaches establishing a short-range radio communications link with a PCD in the Local area network and verifying subscription of or offering subscription to the PCD (col.6, lines 1-16);

Stewart further teaches transmitting to the PCD over the established short-range radio communications link a list of the ASP services available in the ASP delivery system or retrievable from ASPs in the computer communications network (col.9, lines 50-54, col.10, lines 34-40).

Stewart further teaches receiving from the PCD requests for ASP services (col.7, lines 50-67, col.8, lines 1-13, col.9, lines 35-67, col.10, lines 1-5, 34-40). However, **Stewart** does not specifically teach ‘at least one of said ASP services selected from said list of ASP services’. **Goldberg** teaches at least one of the ASP services selected from the list of ASP services (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** to incorporate the feature of selecting at least one of the ASP services from the list of ASP services in order to provide user with an option to make a proper selection of a particular service.

Stewart further teaches for each component of said selected ASP services, determining if the wireless access point can immediately deliver said component without requiring retrieval of

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said component from said ASPs and immediately delivering said component to said wireless device if retrieval of said component is not required (fig.4, 5; col.9, lines 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.16, lines 16-61);

Stewart further teaches if the wireless access point [i.e., ASP delivery system] cannot deliver said component without requiring retrieval of said component from said ASPs, route the request for component for said at least one ASP service from one of said providers to another ASP over the physical communications link (fig.4, 5; col.9, lines 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 54-67, col.14, lines 1-5, 17-62, col.16, lines 16-61);

However, **Stewart** in view of **Goldberg** further does not specifically teach ‘retrieving said component for said at least one ASP service from one of said ASPs’. **Yoza** teaches retrieving said component for said at least one ASP service from one of said ASPs (abstract; page 1, paragraphs 0006, 0012, page 2, paragraphs 0015, 0020, 0021, page 3, paragraph 0030, page 4, paragraph 0031, 0032). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Stewart** in view of **Goldberg** to incorporate feature of retrieving said component for said at least one ASP service from one of said ASPs in **Stewart**’s invention in view of **Goldberg**’s invention in order to a particular service available in a remote server such that the user can get benefit from the use of the service.

Claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Stewart** teaches receiving from the ASPs a list of ASP services at the PCD (col.9, lines 23-27, col.15, lines 47-53).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/
MD SHAFIUL ALAM ELAHEE
Primary Examiner
Art Unit 2614
April 10, 2009